

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NICHELLE CHAMBERLAIN,

Plaintiff,

v.

RES-CARE, INC.,

Defendant.

No. 4:22-CV-00366

(Chief Judge Brann)

ORDER

OCTOBER 11, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendant Res-Care's Motion to Dismiss (Doc. 5) is **GRANTED**.
2. Insofar as Counts I (Title VII claim) and II (PHRA claim) raise constructive discharge claims, they are **DISMISSED WITH PREJUDICE**.
3. All remaining claims contained in Counts I, II, and III (retaliation claim) are **DISMISSED WITHOUT PREJUDICE**. If Chamberlain elects to plead over on Counts I, II, or III, she must file an amended pleading by October 25, 2022.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge